

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COMPETITIVE CARRIERS OF	)	
THE SOUTH, INC. FOR A DECLARATORY	)	
ORDER AFFIRMING THAT THE	)	CASE NO.
INTERCONNECTION REGIMES UNDER KRS	)	2015-00283
278.530 AND 47 U.S.C. § 251 ARE TECHNOLOGY	)	
NEUTRAL	)	

ORDER

On February 17, 2017, Competitive Carriers of the South, Inc. ("CompSouth") filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years to a portion of the Rebuttal Testimony of Joseph Gillan ("Gillan Rebuttal Testimony"). The designated material for which confidential protection is requested is contained on page 6, line 10 of the Gillan Rebuttal Testimony, and is more specifically described as confidential information provided by BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T Kentucky") regarding the number of consumer lines that are served by Internet Protocol technology.

As a basis for its request, CompSouth states that the designated material was derived from confidential information provided to CompSouth by AT&T Kentucky pursuant to a confidentiality agreement executed by the parties. CompSouth further states that AT&T Kentucky would not have provided the designated material to CompSouth without the confidentiality agreement because, according to AT&T

Kentucky, public disclosure of the designated material would allow competitors of AT&T Kentucky to gain an unfair commercial advantage.

Having considered the petition and the material at issue, the Commission finds that the designated material contained in Gillan Rebuttal Testimony, page 6, line 10, is generally recognized as confidential or proprietary, and therefore meets the criteria for confidential treatment and is exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. CompSouth's petition for confidential protection for the designated material contained in Gillan Rebuttal Testimony, page 6, line 10, is granted.

2. The designated material contained in Gillan Rebuttal Testimony, page 6, line 10, shall not be placed in the public record or made available for public inspection for a period of ten years, or until further Orders of this Commission.

3. Use of the material in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. CompSouth shall inform the Commission if the material in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, then CompSouth shall have 20 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If CompSouth is unable to make such demonstration, the requested material shall be

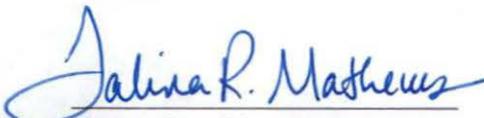
made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 20 days following an Order finding that the material no longer qualifies for confidential treatment in order to allow CompSouth to seek a remedy afforded by law.

By the Commission

ENTERED  
MAY 08 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

\*L Allyson Honaker  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*J. Tyson Covey  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, ILLINOIS 60606

\*Tony Taylor  
BellSouth Telecommunications, LLC dba AT&T  
Meidinger Tower  
462 S 4th Street, Suite 2400  
Louisville, KY 40202

\*Carolyn Ridley  
Senior Director of State Public Policy  
Level 3 Communications  
2078 Quail Run Drive  
Bowling Green, KENTUCKY 42104

\*XO Communications Services, LLC  
13865 Sunrise Valley Drive  
Herndon, VA 20171

\*Windstream Communications, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Cheryl Winn  
Waters Law Group, PLLC  
12802 Townepark Way, Suite 200  
Louisville, KENTUCKY 40243

\*Luke Morgan  
McBrayer, McGinnis, Leslie and Kirkland, PLLC  
201 East Main Street  
Suite 1000  
Lexington, KENTUCKY 40507

\*David S Samford  
Goss Samford, PLLC  
2365 Harrodsburg Road, Suite B325  
Lexington, KENTUCKY 40504

\*Level 3 Communications, LLC  
1025 Eldorado Blvd  
Broomfield, CO 80021

\*Dennis G Friedman  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, ILLINOIS 60606

\*EarthLink Business, LLC  
2851 Charlevoix Drive SE, Suite 209  
Grand Rapids, MI 49546

\*Douglas E Hart  
441 Vine Street, Suite 4192  
Cincinnati, OHIO 45202

\*Ted Heckman  
Managing Director, Regulatory & Government  
Cincinnati Bell Telephone Company  
221 E Fourth Street, Room 103-1170  
Cincinnati, OH 45202

\*Birch Communications, Inc.  
3060 Peachtree Road, Suite 1065  
Atlanta, GA 30305

\*Thomas M Payne, III  
BellSouth Telecommunications, LLC dba AT&T  
Meidinger Tower  
462 S 4th Street, Suite 2400  
Louisville, KY 40202